

Message Text

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ACTION STR-07

INFO OCT-01 EA-10 ISO-00 AGRE-00 CEA-01 CIAE-00
COME-00 DODE-00 EB-08 FRB-03 H-01 INR-10 INT-05
L-03 LAB-04 NSAE-00 NSC-05 PA-01 CTME-00 AID-05
SS-15 ITC-01 TRSE-00 ICA-11 SP-02 SOE-02 OMB-01
DOE-15 OIC-02 /113 W

-----110392 131213Z /40

R 121007Z JUL 78
FM AMEMBASSY BANGKOK
TO USMISSION GENEVA
SECSTATE WASHDC 7508

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USMTN

EO 11652: NA
TAGS: ETRD GATT
SUBJECT: COMMERCIAL COUNTERFEITING

REF: STATE 167575, BANGKOK 19408

1. MFA OFFICIAL INDICATES RTG OFFICIALS HAD THEIR MEETING
ON THE COMMERCIAL COUNTERFEITING ISSUE YESTERDAY. GROUP CONCLUDED
THAT THE RTG HAD NOTHING AGAINST THE US PROPOSAL BUT
THEY LACKED SUFFICIENT DETAILED INFORMATION ABOUT THE PROPOSAL TO
REACH A POSITIVE DECISION TO SUPPORT IT.

2. THE PARTICIPANTS CONCLUDED THAT THE TIME GIVEN THEM TO CONSIDER
THIS MATTER WAS QUITE SHORT AND THAT OTHER MORE URGENT QUESTIONS
SHOULD HAVE PRIMARY ATTENTION.

3. EVEN IF THEY DO FINALLY DECIDE TO SUPPORT THE US EFFORT THEY
WOULD NOT BE IN A POSITION AT THIS TIME TO COMMIT THEMSELVES
TO COMMENCE NEGOTIATIONS BY SEPTEMBER.

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4. ACCORDINGLY, THEIR MISSION IN GENEVA HAS BEEN GIVEN
A "FRAME WORK" OF INSTRUCTIONS THAT WOULD PERMIT THEM TO
EXPLORE THE MATTER IN MORE DETAIL WITH BOTH THE US AND OTER
DELEGATIONS.

5. IN EMBASSY VIEW ABOVE INDICATES WE CAN POSSIBLY OBTAIN THE

RTG'S SUPPORT FOR THIS PROPOSAL WHEN THEY ARE CONVINCED THERE IS SOMETHING MORE IN IT FOR THEM THAN IS NOW APPARENT.

6. HOWEVER, EVEN IF THE RTG STANDS TO GAIN FROM SUPPORTING US POSITION, THEY ARE UNLIKELY TO DO SO IF IT MEANS THEIR ISOLATION FROM MOST OTHER THIRD WORLD COUNTRIES. (A STANDARD RTG POSITION ON MOST MULTILATERAL ISSUES.)

7. WHEN PRESSED FOR MORE INFORMATION ON TYPE OF INFORMATION NEEDED MFA SPOKESMAN SAID VERY TERM COUNTERFEITING WAS FOUND CONFUSING BY SOME RTG PARTICIPANTS IN MEETING. WOULD THIS INCLUDE ALL INFRINGEMENTS AGAINST US HELD PATENTS? IF, FOR EXAMPLE, SOMEONE INTRODUCED A TRADEMARK SIMILAR TO A WELL KNOWN US BRAND SUCH AS "PEPCI COLA" ON LOCAL MARKET WOULD THIS BE AN INFRINGEMENT? "IN EFFECT WE WANT TO GET A BETTER IDEA OF WHAT YOU HAVE IN MIND. MORE INFORMATION ON US LAWS CONCERNING THIS QUESTION WOULD BE USEFUL."

8. IN EMBASSY VIEW, HOWEVER, THE RTG DESIRE FOR MORE INFORMATION IS SECONDARY. THEY ARE LIKELY MUCH MORE INTERESTED IN SOME TRADE-OFF THAT WOULD SWEETEN OUR OFFER IN THE MTN NEGOTIATIONS. SPOKESMAN MENTIONED IN THIS REGARD TOWARD END OF TALK THAT YESTERDAY'S MEETING BETWEEN RTG'S AND US DELEGATIONS AT GENEVA HAD BEEN INCONCLUSIVE. HE AGAIN INDICATED DISAPPOINTMENT USG HAD NOT IMPROVED ITS OFFER ON AGRICULTURE. ON OTHER HAND, MFA OFFICIAL THOUGHT US DELEGATION SHOULD BE MORE UNDERSTANDING OF THE PROBLEMS LIMITED OFFICIAL USE

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MFA HAS WITH THAILAND'S CUMBERSOME BUREAUCRACY. THUS WHEN THE RTG DELEGATION OFFERS TO REDUCE TARIFFS ON CANNED TURKEYS, THEY ARE NOT IN A POSITION TO SAY IMMEDIATELY BY HOW MUCH. (TIME PERMITTING IT WOULD BE HELPFUL TO HAVE MORE INFO FROM US DEL ABOUT SUBSTANCE OF THESE MEETINGS.)

9. IN SUM THE RTG SUPPORT ON THIS PROPOSAL IS PROBABLY AVAILABLE BUT US DEL MUST FIND FORMULA THAT GIVES THEM SOME BENEFITS AND THE ASSOCIATION OF SOME LIKEMINDED THIRD WORLD COUNTRIES BEFORE SUPPORT WILL BE FORTHCOMING. EFFORTS TO SECURE RTG COOPERATION ARE MOST LIKELY TO BE EFFECTIVE THROUGH PERSUADING THAI DELEGATES IN GENEVA TO RECOMMEND SUPPORT OF US POSITION TO THEIR GOVERNMENT.
O'DONOHUE

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